

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARVIND PATEL,  
Plaintiff,  
v.  
AVELINA SAGNEP, et al.,  
Defendants.

Case No. 15-cv-00067-WHO

**ORDER ADOPTING REPORT AND  
RECOMMENDATION, GRANTING IN  
FORMA PAUPERIS APPLICATION,  
AND REMANDING TO STATE COURT**

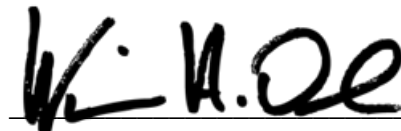
Re: Dkt. No. 4

This order concerns Judge Donna M. Ryu's January 14, 2015 report and recommendation finding that this case was improperly removed from the Superior Court of California for the County of Alameda because the asserted federal question on which removal was based is an affirmative defense, not part of plaintiff's well-pleaded complaint. Dkt. No. 4. Judge Ryu recommends that defendant Avelina Sagnep's application to proceed in forma pauperis be granted and that the case be remanded to state court. *Id.* No objections to the report and recommendation have been filed.

Having reviewed the matter de novo, I ADOPT Judge Ryu's report and recommendation in whole. For the reasons expressed therein, Sagnep's application to proceed in forma pauperis is GRANTED and this case is REMANDED to the Alameda County Superior Court.

**IT IS SO ORDERED.**

Dated: February 3, 2015



WILLIAM H. ORRICK  
United States District Judge